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**From:** Carranza, Edward (FTA)  
**To:** Rogers, Leslie (FTA)  
**CC:** Marler, Renee (FTA); Matley, Ted (FTA); Luu, Catherine (FTA); Tahir, Nadeem (FTA); Sukys, Raymond (FTA); Borinsky, Susan (FTA); Day, Elizabeth (FTA); Ryan, James (FTA); Barr, James (FTA); Nguyen, Kim (FTA)  
**Sent:** 10/22/2009 2:15:25 PM  
**Subject:** RE: Summary of Conference Call with Toru, 10-22-09

Leslie: With thanks to Ted and Renee initiating this email, below are some highlights of our call this afternoon with Toru as you requested, and for your use/information should the Administrator inquire tomorrow.

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**From:** Marler, Renee (FTA)  
**Sent:** Thursday, October 22, 2009 4:18 PM  
**To:** Matley, Ted (FTA); Carranza, Edward (FTA); Luu, Catherine (FTA)  
**Subject:** RE: Summary of Conference Call with Toru, 10-22-09 - draft for comment

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**From:** Matley, Ted (FTA)  
**Sent:** Thursday, October 22, 2009 3:58 PM  
**To:** Marler, Renee (FTA); Carranza, Edward (FTA); Luu, Catherine (FTA)  
**Subject:** Summary of Conference Call with Toru, 10-22-09 - draft for comment

Ed Carranza, Renee Marler, Cathy Luu and Ted Matley spoke with Toru on Thursday 10-22-09;

1. The City informed FTA that the City had made a public announcement that the winner of the competition for the design build contract was Kiewit Pacific Company. The winning bid was for \$483 million, \$89 million less than the [Baseline Cost Estimate within the current New Starts budget](#) of \$572 million. Kiewit was selected on the basis of best value, not lowest bid alone. [No other action on this contract has been taken as of today.](#)
2. The City hopes to enter into a contract before the deadline for bids expires, which is 100 or 120 days (Toru was unsure) from August 28, 2009.
3. The first [NTP](#) of the contract would cover PE work, with multiple notices to proceed anticipated as the project advances. [The City is determining the magnitudes of each NTP scope element.](#)  
[In order to avoid prejudicing the environmental review process, the scope of work in this NTP must be limited to activities to refine and validate information for the environmental review process. Any further NTP must wait for a Record of Decision and approval to enter into Final Design.](#)
4. The City is still of the opinion that the FEIS can be released by approximately November 6, with a ROD issued before the end of the calendar year. FTA staff [still doesn't share this opinion consistent with our 10/16/09 PE approval letter.](#) [We believe](#) a release of the FEIS by the end of November would be the best case scenario, and this schedule would be easily open to further delay related to the agreement of other parties. Outstanding issues to be resolved include:
  - [outstanding](#) comments on the Section 106 Programmatic Agreement (PA) from the Advisory Council on Historic Preservation;
  - resolving submitted comments on the PA and 4(f) analysis from the National Trust for Historic Preservation;
  - [outstanding](#) agreement of the FAA on airport mitigation upon submission of relevant information by the City;
  - [and](#)
  - concurrence on the PA of the Hawaii SHPO, whose ability to enter into the Programmatic Agreement without the concurrence of the National Park Service has just been raised as an issue and is under investigation for its implications on the process timeline.
5. FTA has requested that the City provide an assessment of their determination that their action is selecting the vendor and

their near term contemplated actions regarding contracts with this vendor will not prejudice the NEPA process or otherwise violate relevant law or regulations.

6. FTA has also [asked](#) for information on the scope of the contract to be awarded to Kiewit, which the City has also agreed to make available.
7. Consistent with the March 17, 2009 letter from the City to FTA, the City re-commits to sharing information with FTA regarding updated timelines and anticipated actions prior to the City taking these actions. [Toru agreed to forward to us, in the spirit of his commitment, a "next steps" discussion soon, although no date was discussed.](#)

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